1	RESOLUTION NO
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3	A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO
4	EXECUTE A RIGHT-OF-WAY EASEMENT TO DAVIS BEN
5	PROPERTIES MANAGEMENT, AN ARKANSAS LIMITED LIABILITY
6	COMPANY ("GRANTEE"), INCLUDING ITS SUCCESSORS AND
7	ASSIGNS; AND FOR OTHER PURPOSES.
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9	WHEREAS, Davis Ben Properties Management, LLC., including its successors and assigns is
10	currently under contract to sell property it owns located at 3101 Dugan Street, Little Rock, AR 72206 and
11	during its due diligence it was determined by Fidelity National Title Insurance Company that an Access
12	Easement Agreement between the City of Little and Davis Ben Properties Management, LLC, was needed
13	to clear property title and complete real estate sale.
14	WHEREAS, to accommodate the real estate sale and clear any title defects upon the property located
15	at 3101 Dugan Drive, Little Rock, AR 72206, it is desirable for the City to provide an Access Easemen
16	Agreement for a pre-existing drive that has been built over an City of Little Rock drainage ditch;
17	NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
18	OF LITTLE ROCK, ARKANSAS:
19	Section 1. The City Manager is hereby authorized to execute, in a form approved by the City
20	Attorney, an access easement and any other documents required to convey a permanent access easemen
21	to Davis Ben Properties, Management, LLC, including its successors and assigns described in Exhibi
22	"A" attached hereto.
23	Section 2. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or
24	word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration of
25	adjudication shall not affect the remaining portions of the resolution, which shall remain in full force and
26	effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
27	resolution.
28	<b>Section 3.</b> Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsisten
29	with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.
30	ADOPTED: June 6, 2017
31	ATTEST: APPROVED:
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33 34	Susan Langley, City Clerk Mark Stodola, Mayor

## APPROVED AS TO LEGAL FORM: 1 2 3 4 **Thomas M. Carpenter, City Attorney** 5 // 6 // 7 // 8 // 9 // 10 // // 11 12 // 13 // // 14 15 // // 16 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // // 25 26 // 27 // 28 // 29 // 30 // // 31 32 // 33 //

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## 1 EXHIBIT A

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## ACCESS EASEMENT AGREEMENT LEGAL DESCRIPTION

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Part of the North ½ of Section 13, Township 1 North, Range 12 West in the City of Little Rock; Pulaski County, Arkansas, more particularly described as follows: Commencing at the northwest corner of said Section 13; thence S00°00′00″W, along the west line of said Section 13, a distance of 517.0 feet to a point on the south right-of-way of East Roosevelt Road; thence N90°00′00″E, along the south right-of-way line of East Roosevelt Road, a distance of 2,021.7 feet to a point on the east right-of-way line of Dugan Street; thence S00°00′00″W, along the east right-of-way line of Dugan Street, a distance of 665.0 feet to a point twenty-five (25) feet southerly of the centerline of the Union Pacific Railroad Industrial lead track (Briley lead track); thence N90°00′00″E, parallel with and twenty-five (25) feet southerly of the centerline of said lead track, a distance of 857.95 feet to a point on the west right-of-way line of a drainage ditch conveyed to the City of Little Rock on May 16, 1963; thence S00°00′00″W, along the west right-of-way line of said drainage ditch, a distance of 26.74 feet to the Point of Beginning; thence N72°26′06″E, a distance of 41.95 feet to a point on the east right-of-way line of said drainage ditch; thence S00°00′00″W, along said east right-of-way line of drainage ditch, a distance of 43.92 feet; thence N90°00′00″W, a distance of 40.00 feet to a point on the said west right-of-way line of drainage ditch; thence N00°00′00″E, along said west right-of-way line of drainage ditch, a distance of 31.26 feet to the Point of Beginning.

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